

Please forward assigned FOIA request to your Division Director so they can determine if request should be assigned to RA for responsive records. (This includes 6RA, 6RA-D and 6RA-DA.)

FREEDOM OF INFORMATION ACT REQUEST  
EPA-R6-2016-004642

REQUEST DATE: March 10, 2016

REQUEST RECEIVED: March 11, 2016

REQUESTOR INFORMATION:

Miss Drew De Los Santos  
Frederick, Perales, Allmon & Rockwell PC  
707 Rio Grande St. 200  
Austin, TX 78702

Email: [drew@if-lawfirm.com](mailto:drew@if-lawfirm.com)  
Fax: # 512-482-9346

Work Phone # 512-469-6000

FEE CATEGORY: Other

Fee Waiver Requested

\*\*\*\*\*SUBJECT\*\*\*\*\*

Requesting information regarding Lab Results.

\*\*\*\*\*ASSIGNED OFFICE(S)\*\*\*\*\*

6WQ  
6RC

DUE DATE: April 8, 2016

\*\*\*\*\*SPECIAL INSTRUCTIONS TO DIVISIONS\*\*\*\*\*

1. Always note Fee commitment by requester: \$ 250
  2. Call the requester with a fee estimate, if cost is expected to exceed amount committed \$ 250
  3. Each Division must obtain Division Director or delegate concurrence on denial log before routing to ARA signature.
  4. Send a copy of the response and cost information sheet to the FOIA Office (6MD-OE).
- \*\*\*\*\*DO NOT WRITE IN THIS SPACE, FOR FOIA OFFICE USE ONLY\*\*\*\*\*

BILLABLE COST					
\$4.00	\$7.00	\$10.25	Pages	Other	TOTAL

6WQ  
6RC

ADMINISTRATIVE COST			
Postage	Free Docs.	Other	TOTAL

FREDERICK, PERALES, ALLMON & ROCKWELL, P.C.

ATTORNEYS AT LAW

707 Rio Grande, Suite 200

Austin, Texas 78701

(512) 469-6000 (512) 482-9346 (facsimile)

[Info@LF-LawFirm.com](mailto:Info@LF-LawFirm.com)

Of Counsel:

Richard Lowerre

March 10, 2016

Regional Freedom of Information Officer  
U.S. EPA, Region 6  
1445 Ross Avenue (6MD-OE)  
Dallas, TX 75202-2733  
(214) 665-7202

**Re: Freedom of Information Act Request regarding Lab Results**

This is a formal freedom of information act request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. On behalf of Kleberg County, I would like to request the public information described, below:

1. Laboratory reports containing analyses and/or results of tests of groundwater samples taken within Kleberg County, Texas from 1980 through the present.
2. Any and all documents received from URI, Inc. or any other source containing, discussing, or disclosing analytical results from any groundwater samples taken within Kleberg County, Texas from 1980 through the present. This includes, but is not limited to original laboratory reports with dates for sample collection and sample analysis.
3. Any and all documents received from URI or any other source containing, discussing, or disclosing any baseline samples and samples of offsite resident wells in Kleberg County, Texas during 1980 through the present. This includes but is not limited to original laboratory reports with dates for sample collection and sample analysis.
4. Documents identifying any document retention policy applicable to any of the documents requested in this FOIA request. This includes, but is not limited to, any documents which define the dates or period of times each separate applicable retention policy is or was in effect.

If any of the public information that is requested in this request once existed but has since been destroyed, disposed of or not retained, please provide information identifying the date when these documents were destroyed, disposed of or not retained; identifying any specific authorization or decision to destroy, dispose of or not retain the document; identifying any schedule and document retention policies and practices that authorize or govern the retention or destruction of these documents.

It is not my intention to make this request unduly burdensome. If any of these documents are available to you in electronic format, please provide them to me in electronic format, such as e-mail, instead of producing a hard-copy.

This request does not include any confidential information protected by attorney-client or other exemptions to disclosure under the Freedom of Information Act. If any of the requested information is withheld due to an exception under the Act, please segregate the withheld information and provide the remaining documents to me until the Attorney General determines the availability of the withheld information.

In addition, I request a fee waiver of the costs to produce these documents. The requestor is a governmental unit of Texas whose purposes can only be the public interest. Specifically, the requestor is a party protestant to a TCEQ contested case hearing concerning permit UR-02827 and the potential contamination of groundwater within the County by uranium mining operations conducted by URI. Kleberg County was granted party status in part because Kleberg County has statutory authority over groundwater pollution issues pursuant to Texas Water Code sex. 27.173 and Texas Health & Safety Code secs. 121.003(a), 341.013(c), and 341.092(d).

The residents of the County receive their drinking water from the Goliad aquifer. More than fifteen residents of Kleberg County are participating in this contested case hearing as parties and the uranium mining operations have been the subject of great local public interest. The matters sought will enhance the public's understanding of the quality of the drinking water in the Goliad aquifer and provide them with information relating to the impact of URI's mining operations on water quality. This information is vital to the public's knowledge of how uranium mining is regulated. And there could be nothing more essential to the public interest in Kleberg County than the quality and status of its groundwater. If a fee waiver is not possible, and if the cost of retrieving the documents is expected to exceed \$250.00, we would appreciate an estimate of the costs before the start of any duplication of documents.

Please contact me when these documents are available. If you have any questions, please do not hesitate to call or e-mail me. Thank you for your assistance in this matter.

Sincerely,

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Drew De Los Santos  
[drew@lf-lawfirm.com](mailto:drew@lf-lawfirm.com)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200  
DALLAS, TEXAS 75202-2733

**CERTIFICATION OF ADEQUACY OF SEARCH ON**  
**"NO RECORD" RESPONSES**

I, \_\_\_\_\_, certify that I am employed by the Environmental Protection Agency, Region 6, in Dallas, Texas (or acting as a representative) as \_\_\_\_\_, that I am familiar with the records requested and/or that I am responsible for conducting the search for responsive records for Request Identification Number EPA-R6- \_\_\_\_\_, and that I have conducted an "adequate" search for responsive records by searching the below listed location(s) (as applicable):

- 1.
- 2.
- 3.

I further certify that I am aware that a search for responsive records need not be perfect, only adequate and that adequacy is measured and/or determined by the "reasonableness" of the effort of the search in light of the specific request. Specifically, I have searched for the documents in all places that it is practical for the documents to be located. Moreover, after conducting an adequate search for records on behalf of the

\_\_\_\_\_ Division/Unit, I have located no records responsive to this request or portions thereof. Further, I am attaching an itemized listing of all records which my search supports are not in the Region's possession.

Dated: \_\_\_\_\_,

\_\_\_\_\_  
Signature of Person Conducting Search

Dated: \_\_\_\_\_,

\_\_\_\_\_  
Signature of Designated Supervisor for  
Person Conducting Search

Approved by OGC

## STAFF CHECKLIST FOR TRANSMITTAL OF RECORDS/INFORMATION

EPA-R6-

YES NO N/A

Program has responsive records

\_\_\_\_

Searched all possible locations (hard copy/e-mail,  
Files in workstation, file rooms, hard/flash/shared drives,  
CDs, blackberries etc.)

\_\_\_\_

Advised RFO/DFC of any special circumstances/  
Sensitivity related to the FOIA Request

\_\_\_\_

Consulted with the FOIA Requester and/or RFO/DFC  
For further clarification of the request

\_\_\_\_

Completed "Certification of Adequate Search" form  
for "No Records" Response

\_\_\_\_

Completed Cost Sheet

\_\_\_\_

Provided responsive records to the assigned FOIA  
Specialist by due date on transmittal form

\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Ext. \_\_\_\_\_

Printed Name: \_\_\_\_\_ Office Name: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**THIS FORM SHOULD BE COMPLETED AND RETURNED TO THE REGIONAL  
FOI OFFICER ALONG WITH THE RESPONSIVE RECORDS, A COST SHEET AND  
"NO RECORDS" CERTIFICATION FORM (IF NECESSARY), FOR EACH FOIA  
REQUEST PROCESSED.**

**INTERNAL USE ONLY – DO NOT SEND THIS TO REQUESTER**

Please read instructions on back before completing form.

**FOIA FEE CALCULATION WORK SHEET**

1.REQUEST NUMBER EPA-R6-	2.TYPE OF REQUESTER	3.DATE COMPLETED	4.ACTION OFFICE
<p>NOTE: The Freedom of Information Act and EPA's regulations state that the Federal Government must obtain a fee commitment from a FOIA requester before billing can occur. So if no fee commitment is plainly given in the request letter or if other Divisions also have records, please contact the requester. Provide the requester with an estimate. Make sure the requester understands what program records you refer to and make a note of his/her fee commitment.</p>			
5. FEE COMMITMENT AMT		6. DATE OF VERBAL/WRITTEN COMMITMENT	7. FEE COMMITMENT RECEIVED FROM
8. CLERICAL PERSONNEL		TOTAL HRS	1/4 HOUR RATE COST
a. Search - \$4.00 @ 1/4 HOUR			x \$4.00 =
b. Review - \$4.00 @ 1/4 HOUR			x \$4.00 =
9. PROFESSIONAL PERSONNEL		TOTAL HRS	1/4 HOUR RATE COST
a. Search - \$7.00 @ 1/4 HOUR			x \$7.00 =
b. Review - \$7.00 @ 1/4 HOUR			x \$7.00 =
10. MANAGERIAL PERSONNEL		TOTAL HRS	1/4 HOUR RATE COST
a. Search - \$10.25 @ 1/4 HOUR			x \$10.25 =
b. Review - \$10.25 @ 1/4 HOUR			x \$10.25 =
11. DUPLICATION/REPRODUCTION		TOTAL	RATE OR ACTUAL COST
a. Paper or Computer Page (2 sided copy = 2 copies)			x \$ .15 pg =
b. Diskette or CD (Specify 3 CD's, 1 CD etc.)			x \$ 1.00 each =
c. Microfiche			x \$ 1.00/sheet =
d. Microfilm			x \$10.00/cartridge =
e. Video or Audio Cassette (Specify)			x \$5.00/each =
f. Maps			
g. Photos			
12. OTHER COSTS		TOTAL	RATE OR ACTUAL COST
a. Computer Cost			x =
b. Certifications			x \$25.00 =
c. Special Handling – Overnight Mail			x =
d. Other			x =
13. ACTUAL ADMIN. COST FOR NON-BILLABLE STAFF TIME		TOTAL	1/4 HOUR RATE COST
a. Preparer's Name: _____ Grade/Step: _____			x =
b. Preparer's Name: _____ Grade/Step: _____			
14. FOR FOIA OFFICE USE ONLY			
a. TOTAL ADMINISTRATIVE/PROCESSING FEES _____		c. TOTAL CHARGED _____	
b. TOTAL COLLECTABLE FEES _____		d. FEES WAIVED/REDUCED YES OR NO	